

**AMERICAN CIVIL LIBERTIES UNION
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UNITED STATES DISTRICT COURT

DISTRICT OF ARIZONA

Fund for Empowerment, *et al.*,

Plaintiffs,

v.

City of Phoenix, *et al.*,

Defendants.

No. CV-22-02041-PHX-GMS

**APPLICATION FOR ENTRY OF
DEFAULT AGAINST INTERVENORS**

Pursuant to Federal Rule of Civil Procedure 55(a), Plaintiffs request the Court enter default against Intervenor Freddy Brown, Joel Coplin, Jo-Ann Coplin, Deborah Faillace, Karl Freund, Gallery 119, Michael Godbehre, Jordan Evan Greeman, Rozella Hector,

1 Daniel Langmade, Dianne Langmade, Ian Likwarz, Matthew Lysiak, Michael Lysiak, Old
2 Station Sub Shop, PBF Manufacturing Co. Inc., Phoenix Kitchens LLC, and Don Stockman
3 without a hearing. Plaintiffs rely upon the record in this case and the Affidavit of counsel
4 submitted with this motion as Exhibit 1.

5
6
7 DATED this 13th day of June, 2025.
8

9 By: /s/ Benjamin Rundall

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CERTIFICATE OF SERVICE

I, Angela Castillo, hereby certify that on June 13, 2025 I caused a true and correct copy of the foregoing to be served by electronic mail to all counsel of record pursuant to prior agreement.

/s/ Angela Castillo

EXHIBIT 1

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**DECLARATION IN SUPPORT OF
APPLICATION FOR ENTRY OF
DEFAULT AGAINST INTERVENORS**

I, Benjamin Rundall, being duly sworn, state as follows:

1. I am an attorney for Plaintiffs in these proceedings.

2. On May 23, 2023, Freddy Brown, Joel Coplin, Jo-Ann Coplin, Deborah Faillace, Karl Freund, Gallery 119, Michael Godbehere, Jordan Evan Greeman, Rozella Hector, Daniel Langmade, Dianne Langmade, Ian Likwarz, Matthew Lysiak, Michael Lysiak, Old Station Sub Shop, PBF Manufacturing Co. Inc., Phoenix Kitchens LLC, and Don Stockman (“Intervenors”) moved to intervene in this case (Doc. 76), and on May 25, 2023, the Court granted their motion (Doc. 85).

3. Plaintiffs filed their Third Amended Complaint (Doc. 159) on July 12, 2024.

4. Defendants filed their Motion to Dismiss Plaintiffs’ Third Amended Complaint (Doc. 161) on July 26, 2024, and their Answer on April 14, 2025 (Doc. 173).

5. Intervenors, however, have failed to answer or otherwise respond to Plaintiffs’ Third Amended Complaint.

6. Intervenors also failed to appear at the Case Management Conference on May 23, 2025.

7. Plaintiffs now move for default against Intervenors and ask the Court to dismiss them from this case with prejudice.

I declare under penalty of perjury that the foregoing is true and correct.

DATED this 13th day of June, 2025.

By: /s/ Benjamin Rundall

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